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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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WILLIAM G. MOORE,

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Petitioner,

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v.

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UNITED STATES OF AMERICA, ,

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Respondent.

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By Order of April 21, 2008, Petitioner Moore's 2255 petition was transferred to the Ninth Circuit Court of Appeals as being successive. On April 23, 2008, Petitioner filed a Motion for A Transfer or Release arguing again that he has an "actual innocence" claim.

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As the Petition in this case is presently before the Ninth Circuit Court of Appeals, the instant motion must be dismissed. ACCORDINGLY,

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IT IS ORDERED: Petitioner Moore's Motion for A Transfer or Release is DENIED.

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DATED this 29th day of May, 2008.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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ORDER - 1